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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**STIPULATION CONCERNING THE  
 WITHDRAWAL OF THE CLAIMS FILED  
 BY THE KANTOR CLAIMANTS  
 AGAINST USA SECURITIES, LLC AND  
 USA CAPITAL REALTY ADVISORS,  
 LLC**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☒ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

**(AFFECTS USA SECURITIES, LLC AND  
 USA CAPITAL REALTY ADVISORS,  
 LLC)**

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1 USA Securities LLC (“USA Securities”) and USA Capital Realty Advisors, LLC (“USA  
2 Realty”), by and through their counsel, and Kantor Nephrology Consultants, Ltd. 401(k) PSP, Dr.  
3 Gary Kantor, and Lynn M. Kantor (collectively the “Kantor Claimants”), by and through their  
4 counsel, hereby stipulate as follows:

5 1. On April 13, 2006 (“Petition Date”), USA Securities and USA Realty, along with  
6 USA Commercial Mortgage Company (“USACM”), USA Capital Diversified Trust Deed Fund,  
7 LLC (“DTDF”), and USA Capital First Trust Deed Fund, LLC (“FTDF”) (collectively the  
8 “Debtors”), filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

9 2. On November 13, 2006, Kantor Nephrology Consultants, Ltd. 401(k) PSP filed  
10 claim number 38 in the USA Securities bankruptcy case, Dr. Gary Kantor filed claim number 39  
11 in the USA Securities bankruptcy case, and Lynn M. Kantor filed claim number 40 in the USA  
12 Securities bankruptcy case (collectively the “Kantor USA Securities Claims”). The Kantor USA  
13 Securities Claims were filed as unliquidated, general unsecured claims.

14 3. That same day, Kantor Nephrology Consultants, Ltd. 401(k) PSP filed claim  
15 number 60 in the USA Realty bankruptcy case, Dr. Gary Kantor filed claim number 61 in the USA  
16 Realty bankruptcy case, and Lynn M. Kantor filed claim number 63 in the USA Realty bankruptcy  
17 case (collectively the “Kantor USA Realty Claims”). The Kantor USA Realty Claims were also  
18 filed as unliquidated, general unsecured claims.

19 4. The Kantor Claimants also filed claims against FTDF and USACM. The claims  
20 filed against FTDF have been withdrawn (Docket No. 3856) while the claims against USACM  
21 remain outstanding and are not affected by this stipulation.

22 5. On March 8, 2007, USA Securities filed its Omnibus Objection to Certain Claims,  
23 which included objections to the Kantor USA Securities Claims (Docket No. 3021). That same  
24 day, USA Realty filed its Omnibus Objection to Certain Claims, which included objections to the  
25 Kantor USA Realty Claims (Docket No. 3017).

26 6. A status hearing on the objections to the Kantor USA Securities Claims and Kantor  
27 USA Realty Claims was set for April 26, 2007. The parties, however, agreed by stipulation to  
28 continue the hearing until June 15, 2007, in order to continue negotiations regarding the resolution

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of the claims (Docket No. 3491). The Court approved the stipulation and continued the hearing by order dated April 23, 2007 (Docket No. 3520).

7. As a result of these continued negotiations, the Kantor Claimants have elected to withdraw their claims against USA Securities and USA Realty. Therefore, USA Securities, USA Realty, and the Kantor Claimants hereby agree and stipulate as follows:

- a. The Kantor USA Securities Claims are hereby withdrawn from the USA Securities bankruptcy case.
- b. The Kantor USA Realty Claims are hereby withdrawn from the USA Realty bankruptcy case.
- c. The withdrawal of these claims shall not impact upon or prejudice in any way the claims filed by the Kantor Claimants against USACM, which claims are specifically reserved.
- d. The Kantor Claimants covenant and agree not to seek to re-file the Kantor USA Securities Claims or Kantor USA Realty Claims.
- e. The status hearing on the objections to the claims scheduled for June 15, 2007, at 9:30 a.m. may be vacated.

8. The parties submit a stipulated order herewith for the Court's convenience.

Dated: June 8, 2007.

RAY QUINNEY & NEBEKER P.C. and  
 SCHWARTZER & MCPHERSON LAW FIRM

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AND

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